

CITY COUNCIL AGENDA

MAY 1, 2001

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
GEORGE SHIRAKAWA, JR.
DAVID D. CORTESE
JOHN DIQUISTO
PAT DANDO

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Economic and Neighborhood Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Recreation and Cultural Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Aviation Services** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:30 a.m. - Closed Session, Room 600, City Hall
Absent: Council Members – None.

1:30 p.m. - Regular Session, Council Chambers, City Hall
Absent: Council Members – None.

7:00 p.m. - Public Hearings, Council Chambers, City Hall
Absent: Council Members – None.
- **Invocation (District 5)**
Pastor K. Smith, Friendship Church of God in Christ, delivered the invocation.
- **Pledge of Allegiance**
Mayor Gonzales led in the Pledge of Allegiance.
- **Orders of the Day**
Approved.

1 CEREMONIAL ITEMS

- 1.1** Presentation of commendations to Gunderson High School teachers, Lois Hamor and Collette Kirker for their work with Gunderson High School's Pacesetter Program.
(Dando)

This Item Heard in the Evening.

Joining Mayor Gonzales and Council Member Dando at the Podium were Gunderson teachers Lois Hamor and Collette Kirker, Principal Linda Ferdig-Riley, and Assistant Principal Gloria Cutshall. Council Member Dando acknowledged the teachers' accomplishments, and Mayor Gonzales presented the commendations.

1 CEREMONIAL ITEMS

- 1.2 Presentation of a congratulatory commendation in honor of Moreland School District's 150th Birthday will be accepted by Dr. James Ritchie, Superintendent and School Board President, Alan Uhlemann. (LeZotte)

Deferred to 05/22/01.

- 1.3 Presentation of a Distinguished School Award to Castro Middle School will be accepted by Principal, Tom Kennedy. (LeZotte)

This Item Heard in the Evening.

Joining Mayor Gonzales at the Podium, Council Member LeZotte itemized the achievements of Castro Middle School as a California Distinguished School, and Mayor Gonzales presented the award to Principal Tom Kennedy.

- 1.4 Presentation of commendations to the recipients of the Women's Fund Women of Achievement Award. (Mayor)

This Item Heard in the Evening.

Joining Mayor Gonzales at the Podium was Jennie Z. Meehan, President of the Women's Fund, who acknowledged award winners in the following categories: Arts – Claire Der Torossian, Executive Director of the Bayshore Lyric Company; Communications – Laurel Ladevich, Executive Producer of Silverlining Production; Community Service – Mary Simon, Executive Director of Resource Area for Teachers; Corporate – Mary Ann Byrnes, CEO of Logictier; Education – M.R.C. Greenwood, Chancellor of UCSC, accepting on her behalf was Dr. Linda Goff, Vice Provost and Dean of Undergraduate Education at UCSC; Elected Public Officials – Alice E. Woody; Entrepreneur – Denise Brosseau, Co-Founder and CEO of Forum for Women Entrepreneurs; Labor – Maris Granados, Workshop Steward for Janitors for Local SEIU 1877; Professions – Polly Sumner, President and CEO of Alphabox Corporation; Public Service – Betty F. Malks, Director of Santa Clara County Department of Aging and Adult Services; Science & Technology – Carol Blue Muller, Founder and Executive Director of Mentor Net; Small Business – Hannah Kain, Founder, CEO and President of Alom Technologies; Sports – Cheryl L. Levick, Director of Athletics at Santa Clara University; Volunteerism – Amanda Hawes, Attorney and Partner for Alexander, Hawes and Audet LLP. Mayor Gonzales presented commendations to the honorees in recognition of their accomplishments; acknowledged special contributions of the Women's Fund Board of Directors Susan Jordan, Margaret Wozniak, Jeanne MacKenzie, Jan Bernstein, Honorable Eugene Hyman, Mark Bunge, Surrinder Singh, Daisy Chu, H.G. Nguyen, Enide Allison, President Emeritus Ken Packer, and Board President Jennie Z. Meehan; extended special thanks to Ysabel Duron, Event Producer, Susan Jordan, and Rick Caballero; and asked the families and friends of the recipients to stand and be recognized.

1 CEREMONIAL ITEMS

- 1.5 Presentation of a commendation to students and faculty of Edenvale Elementary School for being ranked in the top ten schools for Academic Performance Index growth. (Williams)

This Item Heard in the Evening.

Joining Mayor Gonzales at the Podium were Council Member Williams, Oak Grove School District Board Member Dennis Hawkins, School District Superintendent Manny Barbara, and Edenvale Elementary School Principal Virginia Maiwald. Council Member Williams catalogued the achievements of Edenvale as one of the top ten schools in Santa Clara County exceeding the Academic Performance Index standards; and Mayor Gonzales presented the commendation to the students and faculty and encouraged them to continue their excellent work.

- 1.6 Presentation of a commendation to the Mexican Heritage Plaza Corporation for their commitment in celebrating and acknowledging the diversity of cultures in District Five and the City of San Jose, through the various art exhibits and events they sponsor. (Campos)

(Rules Committee referral 4/25/01)

Joining Mayor Gonzales and Council Member Campos at the Podium were Mexican Heritage Plaza Corporation representatives Richard Alexandro and Fernando Zazueta, who accepted the commendation and invited the public to visit the facility and to attend activities scheduled during May 2001.

- 1.7 Presentation of a commendation to Planetree Health Library in celebration of their 12th Anniversary of providing community service and support. (Chavez)

(Rules Committee referral 4/25/01)

Council Member Chavez joined Mayor Gonzales in presenting the commendation to Director Candice Ford in recognition of the outstanding alternative health services provided to the San José community.

- 1.8 Presentation of a proclamation declaring May 2001 as Older Americans Month. (Mayor)

(Rules Committee referral 4/25/01)

Joining Mayor Gonzales at the Podium were Council Member Dando-Council Liaison to the Senior Citizens Commission, Don Blankenship-Commission Vice Chair, and Patricia Brown Moriarty-Commission Chair, who accepted the proclamation. Mayor Gonzales acknowledged the following senior organizations and programs: City Programs – San José Senior Citizens Commission; Mayor's Aging Leadership Council/Multicultural Working Group; Municipal Health Services Program (MHSP); Office on Aging Administration; Retired and Senior Volunteer Program (RSVP); Cypress Senior Center; St. James Senior Center; Southside Senior Center;

This item continued on the next page.

1 CEREMONIAL ITEMS

- 1.8 Presentation of a proclamation declaring May 2001 as Older Americans Month. (Mayor (Rules Committee referral 4/25/01) – **(Cont'd.)**)

Iola Williams Senior Program; and Willows Senior Center. Community Organizations – Council on Aging of Santa Clara County, Inc.; County Nutrition Council; and County Senior Care Commission. Mayor Gonzales acknowledged the presence of California Senior Legislator Bob Jaffee, and former Council Member Alice Woody, and urged all citizens to recognize the vital roles seniors play in enriching the lives of all residents in the City of San José, and to support services and activities that enable seniors to continue to be healthy and productive citizens for the entire community. He asked the guests to stand and be recognized.

- 1.9 **Special introduction by City Manager, Del D. Borgsdorf: Newly employed Deputy City Manager of Capital Projects, Terry Roberts, who was asked to stand and be recognized.**

2 CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

2.1 Approval of Minutes.

Recommendation: Approval of City Council Minutes for:

- (a) Regular meeting of January 30, 2001
Approved.
- (b) Joint City Council/San José Financing Authority meeting of January 30, 2001
Approved.
- (c) Joint City Council/Redevelopment Agency meeting of January 30, 2001
Approved as amended to reflect names of current Council Members.
- (d) Special Joint Closed Session with Redevelopment Agency Board of January 30, 2001
Approved.

2 CONSENT CALENDAR

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 26348 – Rezones certain real property situated at the northeast corner of East St. John and North 17th Streets. PDC 01-02-025

Ordinance No. 26348 adopted.

- (b) ORD. NO. 26349 – Rezones certain real property situated on the east side of North Fourth Street, opposite Hensley Avenue. C 01-02-027

Ordinance No. 26349 adopted.

2.3 Approval of a grant agreement to support Ballet San José Silicon Valley's fundraising efforts.

Recommendation: Approval of an agreement with Ballet San José Silicon Valley for a challenge grant to support its fundraising efforts, in an amount not to exceed \$250,000. (Conventions, Arts and Entertainment)

Approved.

2.4 Approval of an appointment to the Board of Directors of the Silicon Valley Pollution Prevention Center.

Recommendation: Approval of the appointment of Margaret V. Bruce, Environmental Programs Director of the Silicon Valley Manufacturing Group, to the Board of Directors of the Silicon Valley Pollution Prevention Center for the Business/Industrial Representative, for a term ending December 31, 2001. (Environmental Services)

Approved.

2.5 Approval of open purchase orders for the purchase of supplies, materials, equipment and services.

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2000-2001 #40, and authorization for the Director of General Services to execute the purchase orders. (General Services)

Approved.

2.6 Approval of the appointment of a representative to the Downtown Parking Board.

Recommendation: Approval of the appointment of the "Parking Lot Owner" representative to the Downtown Parking Board. (Mayor)
(Rules Committee referral 4/18/01)

Approved.

2 CONSENT CALENDAR

2.7 Approval of an agreement for facilities at Mount Pleasant Elementary School for the San José Smart Start Early Childhood Development Center.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Mount Pleasant School District, in an amount not to exceed \$410,400 for the development of facilities at Mount Pleasant Elementary School to be operated as San José Smart Start Early Childhood Development Center, for a term ending June 30, 2011. CEQA: Exempt. Council District 5. (Parks, Recreation and Neighborhood Services)

Resolution No. 70311 adopted.

2.8 Approval of the reorganization of territory designated as Lick No. 27.

Recommendation: Adoption of a resolution initiating proceedings and setting May 29, 2001 at 1:30 p.m. as the date for Council consideration of the reorganization of territory designated as Lick No. 27, which involves the annexation to the City of San José of 148.8 acres of land, located east of Zanker Road, west of Coyote Creek, north and south of SR-237 and generally bounded by the City of San José Annexation #735 – Lick No. 6, the City of San José Annexation #1960 – Lick No. 17, the City of Milpitas Annexation 1986-Lick No. 2, and the detachment of the same from the appropriate special districts including: Central Fire Protection District, County Library Service Area, and Santa Clara Valley County Water. CEQA: Resolution No. 70259. Council District 4. (Planning, Building and Code Enforcement)

Resolution No. 70312 adopted.

2.9 Approval of the reorganization of territory designated as Edenvale No. 21.

Recommendation: Adoption of a resolution authorizing the reorganization of territory designated as Edenvale No. 21, which involves the annexation to the City of San José of 18.2 gross acres of land, located on the northerly side of Hillsdale Avenue, 250 feet easterly of Woodmere Court, and detachment of the same from the Central Fire Protection District and the Santa Clara County Library Services Area. CEQA: Resolution No. 70194. Council District 7. (Planning, Building and Code Enforcement)

Resolution No. 70313 adopted.

2.10 Acceptance of real property for the Bailey Extension Project.

Recommendation: Adoption of a resolution authorizing the City Manager to execute documents and accept the dedication of real property for land required for the Bailey Extension Project in North Coyote Valley. CEQA: Resolution No. 68705. Council District 2. (Public Works)

Resolution No. 70314 adopted.

2 CONSENT CALENDAR

2.11 Approval to reject and to re-bid the Meridian Avenue Soundwall Project.

Recommendation: Approval to reject the sole bid for the construction of the Meridian Avenue Soundwall Project, a sound barrier from Portobello Drive to Route 85, and authorization for the Director of Public Works to re-advertise and re-bid the project.

CEQA: Exempt. Council District 9. (Public Works)

Approved.

2.12 Approval of a contract for the Umbarger Road/Barberry Lane Walkway Lighting Project.

Recommendation: Reports on bids and award of contract for the Umbarger Road/Barberry Lane Walkway Lighting Project to the low bidder, GAB Construction, Inc. to include the base bid and Add Alternate Nos. 1 and 2 in the amount of \$99,000, and approval of a contingency in the amount of \$9,900. Council District 7. CEQA: Exempt. (Public Works)

Approved.

2.13 Approval of appointments to the Workforce Investment Board

Recommendation: Approval of the appointment of new members to the Workforce Investment Board. (Mayor)

(Deferred from 4/24/01 – Item 2.24)

Approved.

2.14 Appointment to the Santa Clara Family Health Plan Oversight Board.

Recommendation: Approval of the appointment of Council Member Cindy Chavez to represent the City of San José on the Santa Clara Family Health Plan Oversight Board. (Mayor)

(Rules Committee referral 4/25/01)

Approved.

END OF CONSENT CALENDAR

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session, Mayor Gonzales, Chair No Report.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – April 18, 2001

Vice Mayor Shirakawa, Jr., Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
The Redevelopment Agency items referred to the Redevelopment Agency Board for action.
- (b) City Council
 - (1) Review May 1, 2001 Draft Agenda
The Committee approved the May 1, 2001 City Council Agenda with six additions.
 - (2) Add New Items to April 24, 2001 Amended Agenda
The Committee recommended four additions to the April 24, 2001 City Council Agenda
- (c) City Council Committees
 - (1) Amendments to Council Committee Agendas
 - (a) Finance and Infrastructure Committee
At the request of the Redevelopment Agency Liaison Gary Miskimon, the Committee recommended approval to add an item entitled, “Tax Increment Forecast” to the April 25, 2001 Finance and Infrastructure Committee Agenda.
 - (b) Economic Development and Environment Committee
None Filed.
 - (c) Education, Neighborhoods, Youth, and Seniors Committee
None Filed.
 - (d) Ad Hoc Traffic Calming Advisory Committee
None Filed.
- (d) Meeting Schedules
 - (1) Request to change location of April 26, 2001 Strong Neighborhoods Initiative Study Session
The Committee recommended approval to change the location of the Strong Neighborhoods Initiative Study Session on April 26, 2001 from the Mexican Heritage Plaza to the Council Chambers.
- (e) The Public Record – April 4 to April 10, 2001
The Committee noted and filed the Public Record.
- (f) Boards, Commissions and Committees
None Filed

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – April 18, 2001 – (Cont'd.) Vice Mayor Shirakawa, Jr., Chair

- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
None Filed.

(h) Administrative Reviews and Approval

- (1) Approve staff's proposed recommendations on:

SB 5X (Sher) State Energy Projects

AB 48X (Migden) Electrical Restructuring: Aggregation

AB 83X (Keeley) Public Utilities: Net Energy Metering

The Committee noted that SB 5X was passed and signed into law by the Governor on April 11, 2001. The Committee recommended the following City positions:

- AB 83X (Keeley) **Revise Position to WATCH**
- AB 48X (Migden) **SUPPORT**

- (i) Oral communications
None Presented.

- (j) Adjournment
The meeting was adjourned at 2:10 p.m.

The Rules Committee Report and actions of April 18, 2001 accepted.

3.3 Report of the Finance and Infrastructure Committee Council Member Dando, Chair **No Report.**

3.4 Approval of various actions to implement changes to the Federated Retirement System.

Recommendation:

- (a) Approval of an ordinance amending Section 3.28.030 of Chapter 3.28 of Title 3 of the San José Municipal Code to change the definition of final compensation to highest average compensation earnable during any twelve-month period for members of the Federated Retirement System who separate from service on or after July 1, 2001.

Ordinance No. 26353 passed for publication.

3 STRATEGIC SUPPORT SERVICES

3.4 Approval of various actions to implement changes to the Federated Retirement System – (Cont'd.)

Recommendation:

- (b) (1) Approval of an ordinance amending Section 2.08.130 and Part 10 of Chapter 2.08 of the San José Municipal Code to increase the membership of the Board of Administration for the Federated City Employees' Retirement System and to provide for removal of members of the Board for cause.

Ordinance No. 26354 passed for publication.

- (2) Approval of Procedures for Recommendation of a Retiree to Serve on the Board of Administration for the Federated City Employees' Retirement System.

Approved.

- (c) Approval of an ordinance amending Chapter 3.28 of the San José Municipal Code to provide for the limited reemployment of retired members of the Federated Retirement System.

(City Manager's Office)

Ordinance No. 26355 passed for publication.

3.5 Approval of an agreement with the County of Santa Clara.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the County of Santa Clara to equally fund a 3-year, interest only loan to the GI Forum, in the amount equal to \$4,000,000, pursuant to the parameters contained in the report. (Conventions, Arts and Entertainment)

(Rules Committee referral 4/25/01)

Resolution No. 70315 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Economic Development & Environment Committee Council Member Williams, Chair

No Report.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.2 Public Hearings on the proposed formation of Community Facilities District Nos. 5A (North Coyote Valley Facilities) and 5B (North Coyote Valley Services).

Recommendation: PUBLIC HEARINGS to:

- (a) Conduct simultaneously the Public Hearings on the proposed formation of Community Facilities District (CFD) No. 5A (North Coyote Valley Facilities) and CFD No. 5B (North Coyote Valley Services).

Public Hearing Held.

Public Testimony Accepted.

- (b) Adopt a Resolution of Formation for CFD No. 5A (North Coyote Valley Facilities) authorizing the levy of a Special Tax therein, preliminarily establishing an appropriations limit therefore and submitting the levy of the Special Tax and the appropriations limit to the qualified electors thereof.

Resolution No. 70316 adopted.

- (c) Adopt a resolution calling a special election of property owners in the proposed CFD No. 5A (North Coyote Valley Facilities).

Resolution No. 70317 adopted.

- (d) Adopt a Resolution of Formation for CFD No. 5B (North Coyote Valley Services) authorizing the levy of a Special Tax therein, preliminarily establishing an appropriations limit therefore and submitting the levy of the Special Tax and the appropriations limit to the qualified electors thereof.

Resolution No. 70318 adopted.

- (e) Adopt a resolution calling a special election of property owners in the proposed CFD No. 5B (North Coyote Valley Services).

CEQA: Resolution No. 69957. Council District 2. (City Manager's Office)

Resolution No. 70319 adopted.

4.3 Approval of various actions to establish new maintenance districts.

Recommendation: Adoption of resolutions of intention to:

- (a) Form Maintenance District 19 (River Oaks Area Landscaping).

Resolution No. 70320 adopted.

- (b) Form Maintenance District 20 (Renaissance – North First Landscaping).
Council District 3. (Public Works)

Resolution No. 70321 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.4 Approval of various actions to reauthorize existing maintenance districts.

Recommendation: Adoption of resolutions of intention to:

- (a) Modify and reauthorize Maintenance District 4 (Gateway Place – Airport Parkway).

Resolution No. 70322 adopted.

- (b) Modify and reauthorize Maintenance District 9 (Santa Teresa – Great Oaks).

Resolution No. 70323 adopted.

- (c) Modify and reauthorize Maintenance District 11 (Brokaw Road from Junction to Old Oakland).

Council Districts 2, 3, and 4. (Public Works)

Resolution No. 70324 adopted.

4.5 Approval to exceed the maximum floor area ratio, number of stories, and height and development standards to accommodate the Courtyard by Marriott.

Recommendation: Redevelopment Agency staff recommends that the City Council, pursuant to the exception set forth in Section 20.28.620 of the Zoning Ordinance, authorize Wolff DiNapoli to exceed the maximum floor area ratio (FAR), number of stories and height development standards of the CG Zoning District within the Central Downtown to accommodate a nine (9) story hotel (Courtyard by Marriott) of approximately 159,412 square feet, with a maximum height of approximately 114 feet above grade, at the southeast corner of Guadalupe Parkway and West Santa Clara Street on a 0.75 acre site. Downtown Strategy Plan EIR and Supplemental Resolution No. 68839. Council District 3. (Redevelopment Agency)

Council approved Redevelopment Agency Staff recommendation with added direction to review signage issues and return to Council with recommendations; and to research and report back to Council the feasibility of capturing insulation by utilizing “renewable energy” and “energy generation” sources.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – April 16, 2001

Council Member Chavez, Chair

- (a) Youth Commission Monthly Report

The Committee accepted the staff report with the direction to schedule the topic of Domestic Violence for the next meeting of the Youth Commission.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – April 16, 2001 – (Cont'd.)

Council Member Chavez, Chair

(b) Youth Services Master Plan Update

The Committee accepted the staff report with the following direction:

- A preliminary “Blueprint for Bridging the Digital Divide” be completed in May/June 2001, so resources may be set aside.
- A report on having an individual assigned to geographical areas to negotiate agreements and work with developers when there is a new project or parcel with undeveloped land.
- A pilot program established for hiring youth for summer jobs within the City’s Strong Neighborhoods.

(c) Quarterly Update City/SJSU Joint Library Project

The Committee accepted the staff report with the direction that the next update include a fundraising timeline.

(d) Report on the implementation/timeline for Skateboarding Parks

The Committee accepted the staff report with the following direction:

- Completion of a preliminary report in May, indicating acreage by type, cost by type, and timeline by type.
- A graph on parks presently in operation, showing supervised or unsupervised, size, type, cost, and hours of operation.

(e) Auto Body Ordinance Status Update

The Committee accepted the staff report.

(f) Oral petitions

None Presented.

(g) Adjournment

The meeting was adjourned at 2:55 p.m.

The Education, Neighborhoods, Youth and Seniors Committee Report and actions of April 16, 2001, accepted.

5 RECREATION & CULTURAL SERVICES

5.2 Approval of various actions pertaining to Alum Rock Park.

Recommendation: Acceptance of the following recommendations:

- (a) Approval of the proposed capital improvements to the Penitencia Creek Park Entrance and Trail within Alum Rock Park as part of the 2002-2006 Capital Improvement Program for Parks & Community Facilities.
- (b) Continue to work with the affected neighborhood to calm traffic on Penitencia Creek Road.
- (c) Continue to prohibit public vehicular traffic on Alum Rock Avenue between Crothers Road and Penitencia Creek Road, and authorization for the use of the road for service vehicles, emergency vehicles, pedestrian, equestrian, and bicycle traffic only.
- (d) Continue to prohibit public vehicular traffic on Crothers Road between Alum Rock Avenue and Miradero Road.

(Parks, Recreation and Neighborhood Services/Transportation)

This Item Heard in the Evening.

Council approved the recommendations contained in the staff report and the recommendations proposed in 05/01/01 memorandum from Mayor Gonzales and Council Members Campos, Cortesé and Reed.

5.3 Approval of an agreement for the Berryessa Branch Library Project.

Recommendation: Approval of an agreement with Group 4 Architects, Research and Planning, Inc. for consultant services including project design, preparation of construction documents, and construction administration services for the Berryessa Branch Library Project, for the period May 15, 2001 to August 31, 2004, in the amount of \$995,235. Council District 4. (Public Works)

Approved.

6 TRANSPORTATION SERVICES

6.1 Traffic Calming Advisory Committee (Ad Hoc)

Council Member Reed, Chair

No Report.

6 TRANSPORTATION SERVICES

6.2 PUBLIC HEARING to vacate a portion of Fontanoso Avenue east of Hellyer Avenue.

Recommendation: PUBLIC HEARING and adoption of a resolution approving the conditional vacation of a portion of Fontanoso Avenue immediately east of Hellyer Avenue to reserve a public service easement. CEQA: Resolution No. 70021. Council District 2. (Public Works)

Resolution No. 70325 adopted.

6.3 Approval of an agreement for the purchase of an easement at 600 Silver Creek Valley Road.

Recommendation: Approval of an agreement with East of Edenvale, LLC, a California limited liability company, for the purchase of fee title in land for a street right of way and an public service easement as required for the improvement of Hellyer Avenue at 600 Silver Creek Valley Road in San José, APN # 678-14-011, in the amount of \$613,000 plus related closing costs; and authorization for the Redevelopment Agency Executive Director and the City Attorney to negotiate and execute the necessary documents to complete the transaction. CEQA: Resolution No. 69699. Council District 2. (Redevelopment Agency)

This Item Renumbered to Item 10.1.

See Item 10.1 for Council Action Taken.

6.4 Approval of an agreement for the purchase of an easement at 6515 Alyssa Court.

Recommendation: Approval of a purchase and sale agreement with Dinh Q. Nguyen for the purchase of a slope easement and temporary construction easement for the extension of Hellyer Avenue located at 6515 Alyssa Court in San José, APN # 678-24-071, in the amount of \$25,000 plus related closing costs; and authorization for the Redevelopment Agency Executive Director and the City Attorney to execute the related necessary documents to complete the transaction. CEQA: Resolution No. 69699. Council District 2. (Redevelopment Agency)

This Item Renumbered to Item 10.2.

See Item 10.2 for Council Action Taken.

6 TRANSPORTATION SERVICES

6.5 Approval of various actions for loading zones and amending the Schedule of Fees and Charges.

Recommendation:

(a) Approval of an ordinance:

- (1) Amending Chapter 11.52 of Title 11 of the San José Municipal Code to modify the regulations applicable to regular freight loading zones and Special Loading/Unloading Permits, and to authorize the establishment of Special Freight Loading Zones to accommodate the unique loading needs of Large Live Entertainment Venues.**
- (2) Establishing a new Chapter 11.51 of Title 11 of the San José Municipal Code to set forth the regulations applicable to curb markings; and**
- (3) Establishing a new Chapter 11.54 of Title 11 of the San José Municipal Code to set forth the regulations applicable to Passenger Loading Zones, Bus Zones, and Taxicab Zones with no modification of such regulations.**

Ordinance No. 26356 passed for publication.

- (b) Adoption of a resolution amending Resolution No. 69650, the 2000-2001 Schedule of Fees, to set forth a fee of \$17 for issuing a permit to park in a Special Freight Loading Zone and Special Loading/Unloading Permits.**

**CEQA: Resolution No. 68839. (Department of Transportation)
(Deferred from 4/10/01 – Item 7.3 et al., and 4/24/01 – Item 6.2)**

Resolution No. 70326 adopted.

7 ENVIRONMENTAL & UTILITY SERVICES

8 AVIATION SERVICES

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

REDEVELOPMENT AGENCY BOARD CONVENED AT 2:46 P.M. TO CONSIDER ITEMS 10.1 AND 10.2 IN A JOINT SESSION

10.1 Approval of an agreement for the purchase of an easement at 600 Silver Creek Valley Road.

Recommendation: Approval of an agreement with East of Edenvale, LLC, a California limited liability company, for the purchase of fee title in land for a street right of way and an public service easement as required for the improvement of Hellyer Avenue at 600 Silver Creek Valley Road in San José, APN # 678-14-011, in the amount of \$613,000 plus related closing costs; and authorization for the Redevelopment Agency Executive Director and the City Attorney to negotiate and execute the necessary documents to complete the transaction. CEQA: Resolution No. 69699. Council District 2. (Redevelopment Agency)

**This item Renumbered From Item 6.3
Approved.**

10.2 Approval of an agreement for the purchase of an easement at 6515 Alyssa Court.

Recommendation: Approval of a purchase and sale agreement with Dinh Q. Nguyen for the purchase of a slope easement and temporary construction easement for the extension of Hellyer Avenue located at 6515 Alyssa Court in San José, APN # 678-24-071, in the amount of \$25,000 plus related closing costs; and authorization for the Redevelopment Agency Executive Director and the City Attorney to execute the related necessary documents to complete the transaction. CEQA: Resolution No. 69699. Council District 2. (Redevelopment Agency)

**This item Renumbered From Item 6.4
Approved.**

REDEVELOPMENT AGENCY BOARD ADJOURNED AT 2:48 P.M.

- Closed Session Report
- Open Forum

The Reverend Shubert Hamilton of The African-American Presbyterian Church, and his daughter, presented to Mayor Gonzales a book written by the minister, entitled: “What Can Black America Do to Help Save the World”.

Following Open Forum, Council recessed at 2:50 p.m. and reconvened at 7:00 p.m., Council Chambers, City Hall.

11 PUBLIC HEARINGS

(To be heard by the City Council at 7:00 p.m.)

11.1 Public Hearing on a planned development rezoning on North First Street.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the east side of North First Street, 250 feet southerly of Burton Avenue, from CN Neighborhood Commercial Zoning District to A(PD) Planned Development Zoning District, to allow a reduction in parking requirements for existing restaurant uses on 0.36 gross acres. (Cortese, Owner; Tafreshi, Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 01-02-013 - District 3

(Continued from 4/3/01 – Item 11.7 and 4/17/01 – Item 11.4)

Continued to 05/08/01.

11.2 Public Hearing on a single-family house permit for 1819 Dry Creek Road.

Recommendation: PUBLIC HEARING ON SINGLE-FAMILY HOUSE PERMIT for the property located at the west side of Dry Creek Road approximately 300 feet easterly of Leigh Avenue (1819 Dry Creek Road) to allow the construction of a 754 square foot 2.5 story addition to an existing 2.5 story single family residence on 0.39 gross acre site resulting in a Floor Area Ratio of 0.25. (Pat and Alan Werba, Owner/Developer). CEQA: Exempt. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (5-1-1).

SF 01-02-016 - District 6

Resolution No. 70327 adopted.

Council approved the project with conditions proposed by Member Yeager that the owner (1) construct a three-foot lattice extension to the existing fencing between the two properties, (2) improve the landscaping to include trees and shrubbery around the yard and along the fence line between the two properties, and (3) that the letter from the property owner be retained as part of the official City record.

11 PUBLIC HEARINGS

11.3 Public Hearing on planned development rezoning at Sunol Street.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at east side of Sunol Street approximately 140 feet north of Park Avenue, from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District, to allow construction of up to 95 single-family attached residential units on 6.75 gross acres. (Dunham-Flocchini Associates, LLC, Owner; Summerhill Homes, Developer). CEQA: ND. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-1-1).
PDC 00-11-116 - District 6

Ordinance No. 26357 passed for publication.

Council approved the rezoning with the condition that “The Developer shall submit a report to the Historic Landmarks Commission describing the process by which the alternatives were developed and demolition of the building determined”.

11.4 Public Hearing on planned development rezoning at North White Road.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the east side of North White Road, approximately 450 feet north of McKee Road, from County to A(PD) Planned Development Zoning District, to allow 157 affordable multiple family attached residential units. (Owner, Joe Leach, JSM Enterprises). CEQA: Negative Declaration.
PDC 01-01-002 - District 5

Continued to 05/15/01.

11.5 Public Hearing on planned development rezoning at Locust Avenue and Edwards Street.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northwest corner of Locust Avenue and Edwards Street, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow transitional housing for disaster victims at an existing dormitory on 0.31 gross acres. (Redevelopment Agency of the City of San Jose, Owner; City of San José, Developer). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).
PDC 01-04-051 - District 3

Continued to 06/05/01.

- **Open Forum**
Pastor Scott Wagers and two parishioners from the Community Homeless Alliance Ministry addressed Council on ELI housing issues.
- **Adjournment**
The Council of the City of San José adjourned the meeting at 8:55 p.m. in memory of Glenn George, dedicated philanthropist and native of San José.